**Extract from a meeting between Terry Edge and the Office of Product Safety and Standards, 25 February 2020**

**TE**: The question I've got is that there's a contradiction in your New Approach, because on the one hand you're saying that you're going to produce "Essential Safety Requirements" but on the other hand you're saying the current regulations provide fire safety. One of your slides [as for the OPSS's presentation at the recent stakeholder workshop] says your objective is to maintain fire safety. You've had your Minister say this to the Environmental Audit Committee and to the All Party Parliamentary [Fire Safety and Rescue] Group, with her saying "We're not going to reduce fire safety". So, you clearly believe the current regulations provide fire safety. What is your evidence for that?

**SS**: We want to make sure, as far as possible, that the furniture – that we are not going to diminish the safety protections.

**TE**: What is your evidence that you have fire safety now?

**SS**: So the regulations have been in place for a long period of time . . .

**TE**: That's not the evidence. You've got the evidence on your own website – the 2014 consultation and the Technical Annex – which categorically proves the regulations don't work. So where's your counter-evidence to that? This [the evidence that they don't work] was endorsed by the EAC and has never been contested. Even the people who want to make a lot of money out of flame retardants have not contested that finding; they just repeat: "Oh no, we must not diminish fire safety".

**SS**: So we want to maintain a high level of fire protection for consumers . . .

**TE**: You haven't got it.

**SS**: Um, well . . .

**TE**: You haven't got it.

**SS**: Well, the basis of moving forward is about establishing a basis for fire safety for consumers.

**TE**: Have you got it now?

**SS**: Well, we're in a situation where we're looking forward in terms of . . .

**TE**: We're talking about now. It's going to take you several years to get new regulations in place. You said in the meantime the current regulations will stay in place . . .

**SS**: They will.

**TE**: If they're not providing fire safety, they shouldn't stay in place, should they?

**SS**: Well, we can't move forward with new regulations until we've developed them.

**TE**: But you can revoke regulations that aren't working and are dangerous. Consumers believe their furniture is not flammable when it is; plus you've got vast amounts of flame retardants being used to meet regulations that don't work.

**SS**: So we've set out in the consultation review the approach that we're going to take . . .

**TE**: I know what your approach is but do you have fire safety now? This really is key to everything.

**DJ**: I'll say at the outset I'm not an expert in this policy area; I'm really interested in some of the feasibility aspects. But your statement suggests you've either got safety or you haven't but nothing in the safety world works that way; it's all relative.

**TE**: That's not what I'm saying. I'm saying you've got tests that are not fit for purpose: they do not provide the safety that the regulations say they do. The match test doesn't work in over 90% of cases in real life. That's proven by your own work.

**SS**: So the answer to the question is, we're not gong to revoke the current regulations now; we're proceeding, at the best pace we can, with implementing new regulations.

**TE**: Realistically, that's going to be several years.

**SS**: Yes; it's set out in the diagram –

**TE**: BSI [British Standards Institute] said they're going to need 5 years; you say you're going to need 2 before you go to BSI. And good luck with getting essential safety requirements in place in 2 years – 11 years hasn't done it yet. That's 7 years for a start.

**SS**: We're going at the best pace we can and the government's position is that we're not taking away the existing regulations until the new regulations are in place.

**TE**: Do the existing regulations provide fire safety?

**DJ**: So I think we should capture the important points you make today. I think you raise an important challenge: do the current regulations provide fire safety and whether it's realistic for them to stay in place for several years – that's the shape of your challenge.

**TE**: Well, it isn't really a challenge; the evidence is on your own website that they don't work.

**SS**: So, so, we'll note that as your concern.

**TE**: Well, what is your answer? Do *you* believe that these regulations provide fire safety?

**SS**: That's not a question that I'm here to answer.

**TE**: But you're in charge of them. You're proposing to take them forward for several years. You must know if they provide fire safety or not. If they don't, you've got to revoke them, surely?

**SS**: So we've set out the government's position which is that we're going to proceed with –

**TE**: Do they provide fire safety now? Yes or no. It's got to be one or the other. Do they do what they're supposed to do? Do they prevent ignition? [Pause.] Well, do they? The answer is crucial.

**SS**: It's not crucial to developing a new suite of regulations.

**TE**: But it's crucial for keeping these in place for several years to come.

**SS**: I think we'll take your concern –

**TE**: No – what's your answer?

**SS**: I'm not in a position to answer that.

**TE**: You're heading this up; you said you're the senior person –

**SS**: I am!

**TE**: So, do you think these regulations provide fire safety or not? What's your answer?

**SS**: I don't have an answer to that question.

**TE**: Then how can you possibly proceed?

**SS**: Because we're in the process of [coming up with] new regulations.

**TE**: You're in the process of keeping the current regulations in place for several years to come. You had the Environmental Audit Committee tell you they don't work.

**SS**: So the government has set out its position which is that it's not about to revoke the current regulations.

**TE**: If you aren't revoking them, you must think they work.

**DJ**: Let's capture you're challenge because I'm conscious that time –

**TE**: It's not a challenge; it's a fact.

**DJ**: Well, let's capture the point that you're seeking to make, which is . . . your point is that you are advocating the withdrawal of the current regulations because –

**TE**: No, I'm asking you, do the current regulations work? You won't answer; you just say we're going ahead with this plan –

**SS**: Yes, that is the answer.

**TE**: But it's not an answer, is it? In effect, you're saying to everyone these regulations will be in place for X number of years but surely they can only be in place if they work. If they don't work, you've got to take them out immediately, surely, otherwise you're keeping people's lives at risk.

**SS**: I've noted the points you make.

**TE**: No, I want your answer.

**SS**: I'm not here to give opinion.

**TE**: You *are*. You're the senior policy officer for these regulations.

**SS**: I am.

**TE**: You are responsible for these 90 million kilograms of flame retardants that will go into furniture every year.

**SS**: Yes. And the position of the government is that we are in the process of reforming the regulations and we'll do that as expediently as we can.

**TE**: But if they work, why are you reforming them?

**SS**: Because they don't meet the challenges of –

**TE**: You said in here [the workshop slides] that they provide fire safety. You said the objective is to maintain fire safety so you must believe they provide fire safety. You must do. You wouldn't have made that statement if you didn't. Isn't that true? You had a Minister say that to a select committee and an All Party Parliamentary Group. She actually said, these regulations provide fire safety; I'm not going to diminish them.

**SS**: That is the government's position.

**TE**: What's it based on? What evidence is it based on?

**SS**: I don't think it's relevant to –

**TE**: It's totally relevant.

**SS**: It's not relevant to the development of new regulations.

**TE**: You can't develop new regulations if the current ones don't work. But you're going to keep these in place for years to come.

**DJ**: So, so, just try and see if we can move forward with it. What we're interested here is your view as a stakeholder.

**TE**: This isn't just my view. It's the view of the Environmental Audit Committee and -

**DJ**: Okay, we're interested in hearing views on how to proceed. What we're trying to establish from you is what your view is.

**TE**: It's not a view; it's the evidence. Look, let's take one example, okay? In your documentation for the 2014 consultation and your Technical Annex – which by the way every leading test expert endorsed, saying this absolutely proves the current test doesn't work and the new one will – you set out four reasons why the current match test doesn't work. Let's look at just one of those. In the current test, the cover fabric is spread over a slab of non-fire retarded foam; it's set alight for 20 secs and the flame has to go out within 2 minutes. But in practice most sofas have a fibre-wrap layer between the cover and the fillings; and that introduces oxygen in practice. And the Technical Annex proved that in 55% of cases cover fabrics will catch fire [in finished products] even though they pass the match test. Is that right or isn't it? It's your own work.

**SS**: So, we're not focussing on the work of the past.

**TE**: You've got to focus on the work of the past if –

**SS**: We're focussing on developing a set of essential safety requirements . . .

**TE**: Fine, but in the meantime you're telling everyone that the current regulations provide fire safety, aren't you? You had a Minister say it, so I'm saying what is that based on when your own evidence proves they're *not* fire safe? What new evidence to you have to support keeping these regulations in place for several years to come because they provide fire safety when the actual evidence you have says they don't? I mean, in 2016 you put out the same [proposed] new match test that we put out in 2014 clearly telling everyone that the current one doesn't work. Otherwise, why would there be a new one that solves the problems of the current one?

**SS**: So, we've noted your points that you think we should be revoking the regulations. The current government position is –

**TE**: No, my point is that you aren't answering a simple question which is, do these current regulations provide fire safety – well, actually, you are; you've put it in these slides that they do. But you're not providing the evidence for why they work, when the evidence on your website – never questioned – proves they don't. So why are you proceeding?

**SS**: We're proceeding with amending the regulations . . .

**TE**: But why are you keeping in place regulations that are not fit for purpose, are not safe; that provide flammable furniture into people's homes full of toxic flame retardants that are not doing anything for fire safety, just poisoning everybody.

*Etc . . . this was not the end of this particular question but as you can no doubt guess, I was not able to get a straightforward answer out of them.*